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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st March, 1997:—

I

BILL NO. XLII OF 1996

A Bill to prohibit the tendency of show of money by indulging inlavish, extravagant and wasteful expenditure on marriages and birthday celebrations and to encourage simplicity in marriages and such other auspicious celebrations by citizens and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

Short title and extent.

1. *(1)* This Act may be called the Prohibition of Lavish and Extravagant Expenditure on Marriages and Birthday Celebrations Act, 1996

(2) it extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "expenditure on marriage or birthday" includes expenditure incurred

during marriage or birthday celebrations on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, cloths, ornaments, gifts, hiring an *baraat ghar*, banquet hall or hotel or such other places for celebrating marriages or birthday, as the case may be;

(c) "prescribed" means prescribed by rules made under this Act.

Simple ceremony for marriages.

3. *(1)* Notwith standing anything in any custom, of any community, tribe or religon, all the marriages, shall be solemnized in a simple ceremony without any lavish or extravagant expenditure on such marriage.

(2) The appropriate Government shall fix the limit of guests and relatives who may be invited to attend the solemnization of a marriage or reception held thereafter in such manner as may be prescribed.

Prohibition of lavish expenditure and extravaganza in birthday parties.

4. The lavish expenditure on and extravaganza for the celebration of any birthday party is hereby prohibited and whoever contravenes the provisions of this section shall be guilty of an offence under Act.

Appropriate Government to prescribe guidelines

5. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall prescribe necessary guidelines for carrying out the purposes of this Act.

Penalty.

6. Any person who contravenes the provisions of sections 3 or 4 shall be liable for imprisonment for a term which may extend to five years and with fine which may extend to one lakh rupees.

Power to remove difficulty.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty, and any such order shall be final.

Act to be supplemental

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

These days marriages and birthday celebrations are becoming extravaganza. People spend lavishly in these functions. Lakhs of rupees are spent on tented *shamianas* and decorations followed by sumtuous feast. In addition to this, substantial cash and costly gifts are exchanged. Those having black money with them do not face any problem in becoming extravagant but unfortunately this pomp and show virus is affecting the entire social strata in our country and creating unrest among those who have no money to spend lavishly. Since extravaganza has become the order of the day for such ceremonies, those who are in the category of "have nots' have to become heavily indebted or are forced to adopt corrupt practices to earn a lot of money. As such corruption in all walks of life has acquired alarming proportions which is very much harmful for the progress of the nation. The extravagancy has assumed such a proportion that even after spending lakhs of rupees on marriages people are not happy leading to bride burning and marital discord. Parents are, infact, auctioning their sons in the marriage market to get more and more money from the other side. This tendency has to be checked and deterrence has to be provided through legislation to end this unisance in the society so that wasteful expenditure is curtailed in auspicious occasions like marriage and birthday celebrations. This will certainly go a long way to cleanse our society from corruption.

Hence this Bill.

SAROJ KHAPARDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of Legislative power is of normal character.

II

BILL NO. LIV OF 1996

A Bill to provide for the removal of disparity in the wages of women agricultural workers by making equal pay for equal work obligatory on the part of the employers and to provide for the basic facilities for the women agricultural workers and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Women Agricultural Workers (Equal Wages and Basic Facilities) Act, 1996. Short title and extent.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "accident" means unexpected injury caused to a woman agricultural worker during the course of an agricultural operation by any agricultural machinery and includes any injury caused due to falling from such machinery, tree or into a well or receiving electric shock, snake bite or attack by any wild or domestic animal;

(*b*) "agricultural operation" means any work relating to agriculture, horticulture, rearing of livestock, poultry or any other work connected with or ancilliary to agriculture;

(*c*) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(*d*) "partial disablement" means such disability which may reduce the working capacity of woman agricultural worker temporarily;

(e) "prescribed" means prescribed by rules made under this Act;

(*f*) "total disablement" means the disablement which results in incapacitation of a woman agricultural worker for all works which she was capable of performing;

(*g*) "Welfare Fund" means the Women Agricultural Workers Welfare Fund established under section 4;

(*h*) "woman agricultural worker" means any female agricultural worker who earns her livelihood by agricultural operation on others' land.

Minimum wages for agricultural workers and penalty for non-compliance.

3. (*1*) The appropriate Government shall, by notification in the Official Gazette, fix the minimum wages, from time to time, for the agricultural workers:

Provided that the minimum wages fixed under this Act shall not be less than fifty rupees per day.

(*2*) There shall be no discrimination in wages payable to men and women agricultural workers for similar nature of work performed by them and whoever contravenes this provision shall be guilty of an offence under this Act and shall be liable for imprisonment which may extend to five years and with fine which may extend to one lakh rupees.

Establishment of Women Agricultural Workers Welfare Fund.

4. (*1*) **The Central Government shall, by notification in the Official Gazette, establish the Women Agricultural Workers Welfare Fund at the national level for carrying out the purposes of this Act.**

(*2*) **The Central Government shall, after the appropriation made by parliament by law in this behalf, provide initial capital of three hundred crore rupees to the Welfare Fund established under sub-section (1) and a sum of two hundred crore rupees shall be provided by the Government of the States in proportion to their agricultural population for the time being relevant for the purposes of this Act.**

(*3*) **After the Welfare Fund so established, funds shall be provided by the Central and State Governments in such proportion as may be agreed to by them from time to time.**

(*4*) The employers of women agricultural workers shall also contribute to the Welfare Fund in such manner as may be prescribed.

Administration of the Welfare Fund.

5. The Welfare Fund shall be administered by a team of Secretaries of the Union Ministries of Agriculture and Labour and Chief Secretaries of the Governments of the States in such manner as may be prescribed.

Compensation in case of accident.

6. (*1*) If any woman agricultural worker meets with an accident during any agricultural operation, she shall be entitled to compensation out of the Welfare Fund.

(*2*) The amount of compensation payable under sub-section (*1*) to a woman agricultural

worker sustaining injury resulting in her death, permanent disablement or partial disablement shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette:

Provided that in the case of death of a woman agricultural worker under this section, the compensation shall not be less than one lakh rupees which shall be paid to her husband or other legal heir, as the case may be.

(*3*) The compensation under this Act shall be claimed in such manner as may be prescribed.

(*4*) Every claim for compensation under this Act shall be cleared within thirty days of filing of such claim with the appropriate Government.

Registration of employers and women agricultural workers.

7. All the employers of agricultural workers and the women agricultural workers shall get themselves registered with the appropriate Government in such manner as may be prescribed.

Maternity benefits.

8. The appropriate Government shall provide maternity benefits to every woman agricultural worker who is in need of it and shall pay full remuneration to such worker for such period and in such manner as may be prescribed.

Creches.

9. (*1*) The appropriate Government shall provide at least one creche in every village or for more than fifty women agricultural workers residing in any village or camp for the proper care of the children of such women workers.

(*2*) Every creche established for the purposes of this Act shall provide day care, elementary education and mid-day meals to every child who is enrolled in such a creche.

Other medical facilities.

10. The appropriate Government shall provide necessary medical facilities to all the women agricultural workers residing within its territorial jurisdiction.

Provision of work during non-agricultural seasons.

11. The appropriate Government shall provide alternative work to every woman agricultural worker who may be rendered jobless during non-agricultural season under various job oriented schemes.

Old age pension.

12. The appropriate Government shall formulate an old age pension scheme for the welfare of old women agricultural workers who are unable to perform the work of agricultural worker any more and pay them pension at such rate and in such manner as may be prescribed.

Central Government to provide necessary funds.

13. The Central Government shall provide necessary funds at the disposal of the Governments of the States for the implementation of welfare provisions of this Act.

Power to make rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are millions of women agricultural workers in our country who earn their livelihood and of their families by working in the field of others. Though the employers of women agricultural workers are supposed to give them remuneration equal to the men agricultural workers but it is the hard fact that they are paid less. This fact has been agreed to by the Government in response to a parliamentary question. Even very progressive State like Maharashtra is not lagging behind in paying less remuneration to the women workers particularly those who are engaged in agricultural operations. This tendency of the employers has to be dealt with sternly by providing deterrent punishment for the violation of law and deliberate exploitation of women agricultural workers.

It has also been seen that the women agricultural workers, while pursuing agricultural operations, very often receive injuries leading to partial or total disablement and in some cases they also die in such operations. Sometimes they are bitten by snakes and other poisonous creatures or attacked by wild animals during the agricultural operation resulting in their disability or death.

Similarly the women agricultural workers do not get medical facilities for them and their children, maternity benefits and creches facility to look after their children. When they become old and infirm, there is neither any security nor any legal protection for them. They are left to fend for themselves and ultimately they die in harness. Since ours is a Welfare State, it is necessary in the national interest that the women agricultural workers are also given security of work and insurance against accidents, old age pension and other facilities for them and their children.

Hence this Bill.

SAROJ KHAPARDE

FINANCIAL MEMORANDUM

Clause **4** of the bill provides for the establishment of Women Agricultural Workers Welfare Fund. Clause **13** provides that Central Government shall provide necessary funds to the State Governments. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that it may involve a sum of five hundred crore rupees per annum as recurring expenditure.

A non-recurring expenditure of seven hundred crore rupees may also be involved for the purposes of this Bill.

6749/4CF 1/F2A

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rule will relate to matters of details only.

The delegation of legislative power is of normal character.

6744/4DF1/F2B

III

BILL NO. LV OF 1996

A Bill to prohibit the exhibition or telecasting the glorification of alcoholic liquor consumption by showing it as a refreshing tonic or reliever of all kinds of frustration, tiredness and sorrows and as a status symbol in motion pictures, television serials, telefilms and dramas in order to check its negative and dangerous consequences in the society particulary its ill effects on the younger generation and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Glorification of Alcoholic Liquor Consumption in Motion Pictures, Television Serials, Telefilms and Dramas (Prohibition) Act, 1996.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "alcoholic liquor" means liquor containing ethyl alcohol of any strength and known by any brand name whatsoever, whether domestic or foreign;

(*b*) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) words and expressions used and not defind in this Act but defined in the Cinematograph Act, 1952 and the Dramatic Performances Act, 1876 shall have the meanings respectively assigned to them in those Acts; 37 of 1952. 19 of 1876.

Prohibition of glorification of consumption of alcoholic liquor.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, glorification of consumption of alcoholic liquor through motion pictures, popularly known as 'cinema', television serials, telefilms and dramatic performances or through any visual display showing thereby the alcoholic liquor, of any brand name, whether countrymade or foreign, or without any brand name, as a refreshing drink or reliever of all kinds of worries and frustrations, tiredness and human sorrows and day-to-day problems or as a status symbol in the society is hereby prohibited.

(*2*) Whoever contravenes the provisions of sub-section (*1*) shall be guilty of an offence under this Act;

Administration of the Act.

4. The provisions of this Act shall be binding on the appropriate Government and it shall be the duty of such Government to administer this Act in such manner as may be prescribed.

Penalty.

5. Whoever contravenes the provisions of Section **3** shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.

Offences by Companies and Government Department.

6. Where any offence, under this Act, has been committed by a body Corporate or department of the appropriate Government, any person who, at the time of the commission of the offence, was incharge of the body corporate or department of the Government, as the case may be, shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Now a days we find every movie, teleserial, telefilm and even drama in which consumption of alcoholic liquor is glorified to the extent possible. The hero, heroine, villain, vamp and almost all the characters are shown taking liquor. If someone is tired, he takes it, if worried, takes alcohol, if happy, takes alcohol and on every occasion liquor is consumed. Everyone is ready to prepare and offer a drink to others as if it is a refreshing tonic and can relieve the person from all the worries, sorrows and miseries. This glorification of liquor is unabated despite the fact that scientifically it has been proved that it is very harmful to our health and it damages the liver, the mind, the other vital organs of the body. After consuming the liquor, the man turns into beast and loses all senses and commits the worst crimes.

The results of glorification of liquor consumption in movies and television have started showing their impact on the society and consumption of liquor has become a status symbol in the society. It has become a must in the parties, marriages, birthdays and other such gatherings. As a result more and more people are becoming alcoholic and more and more families are getting ruined and more and more heinous crimes are being committed in the society. Recently in Delhi, an alcoholic father killed his infant daughter of few months because she was crying with hunger. This all is the result of glorification of liquor consumption in our society.

To get rid of this evil, the glorification of liquor in popular electronic media has to be probibited which will have far reaching consequences in our society. After all a beginning has to be done to cleanse the society.

Hence this Bill.

SAROJ KHAPARDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of administrative details only.

The delegation of legislative power is, therefore, of normal character.

IV

BILL NO. XL OF 1996

A Bill further to amend the Cinematograph Act, 1952

BE it enacted by Parliament in the Forty-Seventh Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Cinematograph (Amendment) Act, 1996. Short title.

2. For section 5B of the Cinematograph Act, 1952, the following section shall be substituted namely:— Substitution of new section for Section 5B of Act 37 of 1952.

"**5B.** (*1*) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it— Principles for guidance in certifying films.

(*a*) is against the interest of sovereignty and integrity of India and the security of the State;

(*b*) is against the friendly relations with foreign States;

(*c*) is against the religious faith of any religion or preaches communalism or shows any religious faith with contempt through any character or dialogue in the film;

(*d*) depicts sex, excess violence or a woman in indecent way;

(*e*) contains vulgar, double meaning dialogues or songs;

(*f*) is against public order;

(*g*) involves defamation or contempt of court or is likely to incite the commission of an offence.

(*2*) Subject to the provisions contained in sub-section (*1*) the Central Government may issue such directions, as it may think fit, setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

STATEMENT OF OBJECT AND REASONS

In our country these days motion pictures are depicting lot of sex, violence and the women folk in very indecent manner and spoiling the minds of the people particularly of the youth of the country. Though the people who are conscious of moral values in society have been demanding banning of such films, the Board of Film Censors, the authority which is competent for certification of films for public exhibition, is not paying proper attention to this aspect and giving exhibition certificates freely to such movies. A number of movies not only contain pronographic scenes but also contain dialogues which have double meaning and vulgarity. Many films also contain vulgar songs. Sometimes it is very much embarassing for the elders to sit with the youngsters of the family and watch such movies. In fact these films are responsible for a number of crimes like murder, robbery, rape etc. which are committed after seeing such films. These films are mainly produced to earn more money without caring for the adverse effects on the society. Therefore, now the time has come to take hard decisions and the motion pictures which depict sex, violence or women in indecent manner as a commodity or contain vulgar dialogues or songs having double meanings or containing communalism should not be given the certificate of public exhibition to save the society particularly the youths from being ruined. Such films must be stopped by making an explicit provision in the Cinematograph Act to force the Board of Film Censors to follow the guidelines strictly so that moral values of our society are preserved.

Hence this Bill.

SURESH PACHOURI

V

BILL NO. I OF 1997

A Bill to provide for free and compulsory primary education to all the children throughout the country and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Compulsory Primary Education Act, 1997.

(*2*) It extends to the whole of India.

Definitions.

2. In this Act unless the context otherwise requires,—

(*a*) "Appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(*b*) "child" means a boy or girl within such age group, not being less than six or more than fourteen years;

(*c*) "economically weaker section" means a family whose total income from all the sources is not more than one thousand rupees per month;

(*d*) "parent" in relation to any child includes a guardian and every person who has the actual custody of the child;

(*e*) "prescribed" means prescribed by rules made under this act;

(*f*) "Primary education" means education upto such class or standard, not beyond the eighth class or standard, as may be prescribed;

(*g*) "special school" means any institution which imparts such primary education as is in the opinion of the appropriate Government suitable for children suffering from any physical or mental defect.

Primary Education for every child.

3. The appropriate Government shall provide free and compulsory education to every child who is an ordinary resident within its jurisdiction.

Establishment of primary and special schools.

4. The appropriate Government shall establish and maintain or cause to be established and maintained primary and special schools in requisite number in all the villages and urban areas so as to provide primary education to every child until he completes the age of fourteen years.

Duty of parents to admit the child for primary education.

5. Every parent shall admit his child on completion of six years of age to a primary school, whether established by appropriate Government or by a private body or individual and shall not in any manner restrain the child from attending the school till he attains the age of fourteen years.

Child not to be employed so as to prevent him from attending school.

6. No person shall employ a child in a manner which prevents the child from attending a primary school.

Educational assistance in certain cases

7. The appropriate Government shall provide all necessary educational materials, uniforms and mid-day meals to every student belonging to economically weaker section of the society.

Financial assistance to parents in certain cases.

8. The appropriate Government shall provide financial assistance at such rates as may be prescribed to the parent of every child belonging to economically weaker section of the society to compensate such parent for any reduction in family income arising out of compulsory primary education of his child under this Act.

Penalty.

9. (*1*) If any parent, for any reason whatsoever, prevents, restrains or otherwise obstructs his child from receiving primary education, such a parent shall be liable to imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both.

(*2*) If any person contravenes the provisions of section 6, he shall be liable to imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Education lits the light of knowledge in a human being and removes the ignorance in him. That is why providing education to the citizens is the first priority of every country in the world. Article 41 of our Constitution contains a directive on education for citizens and article 45 stipulates for free and compulsory education for children upto the age of fourteen years. But both the articles which form part of the Directive principles of State Policy have remained a dead letter so far although article 45 of the Constitution had envisaged a period of ten years for introducing Universal education system upto the age of fourteen throughout the country. Similarly a number of State Legislatures have also enacted laws on the subject but these laws too have not been implemented despite their importance.

The present scenario in the country in this regard is that, largely children from economically weaker section of the society and rural areas remain out of the educational stream because either their parents are not in a position to provide the necessary educational material such as books, note-books, uniforms, shoes, writing materials etc. to their children because the prices of these materials are out of their reach or many of the parents are to some extent dependent upon the physical labour of their children or on the income arising therefrom even though it may be very meager. Unless the Union and State Governments come forward to help the parents in providing educational material free of cost to their children, the goal of universal education will remain a distant dream for the country.

At the same time if universal education is to be made a reality the number of primary and other schools in the country have to be multiplied manifold. This can be done with the active co-operation of the Central Government, State Governments and private bodies with dedication otherwise the Universal education will remain a distant dream for the country in general and for the States like Bihar, Madhya Pradesh, Orissa etc. in particular. Hence it has been proposed in this Bill that appropriate Government should establish sufficient number of primary schools, provide necessary educational material free of cost to the children of poor to make universal education a reality in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of primary and special schools by the appropriate Government. Clause 7 provides for educational assistance in certain cases and clause 8 provides for Financial assistance to parents in certain cases. The Bill, therefore if enacted, will involve expenditure, from the Consolidated Fund of India. It is estimated that a recurring expenditure of two hundred crore rupees may be incurred per annum.

A non recurring expenditure of rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. XIII OF 1997

A Bill to provide for the basic minimum amenities of water, electricity, sanitation and health facilities in slums and Jhuggi-Jhopri clusters and for the clearance of such areas in larger public interest and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and Commencement.

1. (*1*) This Act may be called the Slums and Jhuggi-Jhopri Areas (Basic Amenities and Clearance) Act, 1997.

(*2*) It extends to the Union Territories and Metropolitan cities only.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different Union Territories and Metropolitan cities.

Definitions

2. In this Act unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a Metropolitan city falling within the jurisdiction of a State, the Government of that State and in other cases the Central Government:

(*b*) "building" includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(*c*) "competent authority" means such officer or authority as the appropriate Government may, by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act;

(*d*) "*Jhuggi-Jhopri*" means small roughly built house or shelter usually made of mud, wood or metal having thatch or tin sheet roof covering;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "slum" means an area consisting of badly built, overcrowded houses, buildings or *Jhuggi-Jhopri* cluster;

(*g*) "slum clearance" means the clearance of any slum area by demolition and removal of buildings therefrom;

(*h*) "works of improvement" includes in relation to a slum area the execution of following works, namely:—

(*i*) necessary repairs of lanes, roads, etc.;

(*ii*) provision of light point, water taps and bathing places;

(*iii*) construction of drains, open or covered;

(*iv*) provisions of latrines, including conversion of dry latrines into water borne latrines; and

(*v*) removal of rubbish.

Competent authority to declare slum areas.

3. The competent authority may, from time to time, by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Competent authority to carry out works of improvement in slums and JJ clusters.

4. The appropriate Government through the competent authority shall carry out works of improvement in slums and Jhuggi-Jhopri **clusters from time to time in such manner as may be prescribed.**

Health facilities in slums and JJ clusters.

5. The appropriate Government shall provide minimum basic health facilities through primary health centres in slum areas and Jhuggi-Jhopri **clusters in such manner as may be prescribed.**

Removal of JJ clusters from Government land.

6. The competent authority shall not allow a *Jhuggi-Jhopri* cluster to come upon a Government land and if any slum exists in such a land before the commencement of this Act, the competent authority shall remove it in such manner as may be prescribed.

Power to declare any area to be a clearance area.

7. Where the competent authority is satisfied that the most satisfactory method of dealing with the conditions in a slum area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a clearance area, that is to say an area to be cleared of all buildings in accordance with the provision of this Act and the rules made thereunder.

Slum clearance order.

8. As soon as may be, after the competent authority has declared any slum area to be a clearance area it shall make a slum clearance order in such manner as may be prescribed and submit the order for the clearance by the appropriate Government and if the appropriate Government confirms the order, the order shall become operative from the date of such confirmation.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Crores of people in our country are living in slums and *Jhuggi Jhopri* clusters under inhuman conditions. There are no basic facilities of potable water, electricity, sanitation and health services in these areas. However people have no other option but to live in such slums and JJ clusters. The problem is more appaling in Metropolitan cities like Delhi, Bombay, Madras and Calcutta and such other big cities where people migrate in large numbers in search of employment. Poverty forces them to find shelter in slums and JJ clusters. It is the duty of the concerned State Governments to provide basic facilities in such areas. However, sometimes JJ clusters come upon Government land which is meant for other important purposes. Their clearance is also necessary in larger public interest.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that competent authority shall carry out works of improvement in slums and JJ clusters. Clause 5 provides for health care facilities in slums. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of five hundred crore rupees will involve as recurring expenditure per annum.

A sum of rupees one hundred crores will also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATE LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. III OF 1997

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:-

1. This Act may be called the Constitution (Amendment) Act, 1997. **Short title.**

2. In article 19 of the Constitution, after clause *(2)*, the following clause shall be inserted, namely:- **Amendment of article 19.**

"*(2)* Nothing in sub-clause *(a)* of the said clause shall prevent the State from imposing reasonable restrictions on the exercise of the right conferred by the said sub-clause to prevent denigration of any national leader or martyr who inspired the national struggle for freedom of the country."

3. In article 51A of the Constitution,— **Amendment of article 51A.**

(i) after sub-clause *(a)*, the following sub-clause shall be inserted, namely:-

"*(aa)* to respect the statues of national leaders who inspired the national struggle for freedom and not to do anything to cause any damage to them;"

(ii) for clause *(b)*, the following clause shall be substituted, namely:—

"*(b)* to cherish and follow the noble ideals which inspired our national strugle for freedom and not to say or do anything derogatory to the respect of or to denigrate the image of any national leader or martyr who inspired the national struggle for freedom."

6749/6. 01/94

STATEMENT OF OBJECTS AND REASONS

While we are celebrating the fiftieth anniversary of our independence, we also witness the denigration of our national leaders and disfiguring, damaging and dismantling of the images and status of such leaders who inspired the nation during freedom struggle and led the country to freedom. This not only constitutes disrespect to the individual leaders but an insult to the nation itself, and threatens the unity and integrity of the nation. Recently the nation was a mute witness to the denigration of Mahatma Gandhi, the father of the nation, at the hands of the responsible political leaders. They had publicly made certain disparaging and insulting remarks about the personal life of Mahatma Gandhi, which gave a rude shock to the nation and injured the feelings of conscientious Indians, who hold Mahatmaji in high esteem. Such utterances inevitably have the potential of disturbing the peace of the nation.

2. It is, therefore, proposed to amend Article 19 of the Constitution, which inter-alia provides for freedom of speech and expression, to empower the State to make laws to suitably circumscribe and restrain such freedoms to prevent such acts of insult to the nation.

3. It is also proposed to amend Article 51-A of the Constitution, to impose a duty on every citizen to respect such national leaders and to prevent them from denigrating such leaders and disfiguring or damaging their statues installed in public places.

Hence this Bill.

SUSHIL KUMAR SAMBHAJIRAO SHINDE

VIII

BILL No. IV OF 1997

A Bill to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:

Short title and extent.

1. *(1)* This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1997.

(2) It extends to the whole of India.

Amendment of Act 69 of 1971.

2. After section 3 of the Prevention of Insults to National Honour Act, 1971, the following section shall be added at the end namely:-

"4. Whoever intentionally,—

Prevention of hoisting of National Flags of foreign countries and insult to national leaders and their statues.

(i) hoists the national flag of any other country atop any government building or any public meeting; or

(ii) passes disparaging and insulting remarks against any national leader in any public place or public view or publishes or causes to be publishd such remarks through press or any other media; or

(iii) disfigures, damages, dismantles, displaces or removes the statue of any national leader installed in a public place:

— shall be punished with imprisonment for a team which may extend to three years or with fine or with both.

Explanation: The expression 'national leader' means any leader or matyr who inspired the national struggle for freedom of the country.

STATEMENT OF OBJECTS AND REASONS

Now when we are celebrating the fiftieth anniversary of our Independence, we are also witnessing the denigration and utterance of highly derogatory and disparaging remarks about our national leaders who inspired the country to freedom, after making enormous sacrifices and even laying their lives for the cause. This act of derogation to these leaders is through public statements and the press and electronic media. Even the statues and images of such national heroes and martyrs installed in prominent public places are disfigured, damaged and even dismantled and removed with impunity. This not only constitutes denigration and insult to individual leaders concerned but also insult to the nation. It is therefore proposed to amend the Prevention of Insults to National Honour Act, 1971, by enlarging its scope to include such denigration of national leaders and to prescribe appropriate punishment for such insult.

Hence this Bill.

SUSHIL KUMAR SAMBHAJIRAO SHINDE

IX

BILL NO. VIII OF 1997

A Bill further to amend the Administrative Tribunals Act, 1985.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Administrative Tribunals (Amendment) Act, 1997.

Amendment of Act 13 of 1985

2. In section *2* of the Administrative Tribunals Act, 1985, clause *(d)* shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Administrative Tribunals were set up in the year 1985. The employees of the Parliament Secretariats and of the State Legislatures have been left out of the purview of the Act. The Secretariats of Parliament and State Legislatures, though independent of the executive, mostly follow the rules and regulations which apply to the staff of the Central and State Governments. Therefore, there appears to be no rationale behind having this category of employees out of the purview of the Act.

The Bill seeks to bring these employees also within the purview of the Act.

DR. Y. LAKSHMI PRASAD

X

BILL NO. XI OF 1997

A Bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title

1. This Act, may be called the Hindu Marriage (Amendment) Act, 1997.

Substitution of new section for section 8 of the Act No 25 of 1955

2. For section *8* of the Hindu Marriage Act, 1955, the following section shall be substituted, namely: –

"8. *(1)* Any marriage solemnized under this Act whether before or after the commencement of the Hindu Marriage (Amendment) Act, 1997 which is not otherwise void, shall be registered under this section in the Hindu Marriage Register kept for the purpose. Registration of Hindu marriages.

(2) The State Governments shall make rules for providing that the parties to any such marriage shall have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Hindu Marriage Register.

(3) The registeration of marriage under this section shall be *prima facie* proof of the marriage and all children born of such marriage shall be legitimate children of their parents.

(4) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(5) The Hindu Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the prescribed fee."

STATEMENT OF OBJECTS AND REASONS

Many marriages are challenged in the courts of law. Courts often hold marriages not proved for want of proof. It results in injustice and end with far reaching consequences to the affected spouse and the children born of such marriage.

To avoid such injustice the registration of marriages should be made compulsory which will also be the proof that such marriages have been lawfully celeberated.

This will also place onus of proof on the person who challenges the marriage.

Hence this Bill.

R. MARGABANDU

XI

BILL NO. VII OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1997.

Amendment of the Eighth Schedule.

2. In the Eighth Schedule to the Constitution, the existing entries 3 to 18 shall be renumbered as entries 4 to 19 respectively and before entry 4 as so renumbered the following entry shall be inserted, namely:—

"3. Dogri."

STATEMENT OF OBJECTS AND REASONS

Dogri is a modern Indian language spoken by lakhs of people residing in various parts of Jammu and Kashmir, Himachal Pradesh and Punjab. It has a substantial corpus of literature including poetry, drama, novels and short stories. It has been recognized by the Sahitya Akadmi for over two decades, but it is not being developed at the national level due to its non-inclusion in the Eighth Schedule. The demand for its inclusion has been a long standing one and is supported by all the major political parties in Jammu and Kashmir. Its inclusion will be widely welcomed by all sections of people including the brave Dogras who play such a distinguished role in our armed forces.

Hence this Bill.

KARAN SINGH

XII

BILL NO. XII OF 1997

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 1997. Short title and extent.

(*2*) It shall extend to the whole of India except the State of Jammu and Kashmir.

2. In section 304 of the Indian Penal Code 1860 (hereinafter referred to as Code) the following proviso shall be added, namely:— Amendment of section 304.

"Provided that if the victim is a woman or a girl, the person committing such homicide shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to twelve years and shall also be liable to fine."

3. In clause (*2*) of section 304 B of the Code, for the words "shall not be less than seven years" the words "shall not be less than ten years" shall be substituted. Amendment of section 304B.

4. In section 312 of the Code, the following proviso shall be inserted before the explanation, namely:— Amendment of section 312.

"Provided that the person causing miscarriage of a female foetus after pre-natal sex determination test, shall be punished with rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine."

Amendment of section 313.

5. In section 313 of the Code, the following Proviso shall be added, namely:—

"Provided that the person causing such miscarriage without the consent of the woman after prenatal sex determination test, shall be punished with imprisonment for a term which may extend to twelve years and shall also be liable to fine."

Substitution of new section for section 314.

6. For section 314 of the Code, the following shall be substituted, namely:—

Death caused by act done with intent to cause miscarriage.

"314. Whoever, with the intent to cause the miscarriage of a woman with child, does any act which causes death of such woman, shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

Provided that if the miscarriage is caused after pre-natal sex determination test of the foetus, suggesting it to be female foetus, the person causing miscarriage shall be punished with rigorous imprisonment for life or with rigorous imprisonment for a term which may extend to twelve years and shall also be liable to fine."

Amendment of section 315.

7. In section 315 of the Code the following proviso shall be added, namely:—

"Provided that if such act is done after pre-natal sex determination test, suggesting it to be a female foetus, the person doing such act shall be punished with rigorous imprisonment for term which may extend to ten years and shall also be liable to fine."

Amendment of section 316.

8. In section 316 of the Code the following proviso shall be added, namely:—

"Provided that if such act is done after a pre-natal sex determination test, suggesting that the quick-born child is a female child, the person doing such act shall be punished with rigorous imprisonment for a term which may extend to ten years and shall be liable to fine."

Amendment of section 317.

9. In section 317 of the Code, the following proviso shall be added, namely:—

"Provided that in case the child exposed or abandoned is a girl-child, the person doing so shall be punished with rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine."

Amendment of section 318.

10. In section 318 of the Code, the following proviso shall be added, namely:—

"Provided that if the dead body so disposed of, is of a girl-child, the person committing such act shall be punished with rigorous imprisonment for a term which may extend to two years and shall also be liable to fine."

STATEMENT OF OBJECTS AND REASONS

While the swelling population of the country presents a serious problem to the nation, the fast dwindling Sex-ratio. that the female population bears to that of males, presents an equally disturbing trend. Male dominated society as it is, much of it is attributable to male preference in Indian families. While abortion as a means for containing family-size has been accepted as legal, abortions in large numbers are carried out to destroy female foetus, after elaborate prenatal sex determination tests, only to avert female-child birth. Such abortions are resorted to against medical advice often with the help of quacks, through crude methods to keep the matters secret, even if it involves a risk to the life of the mother. In certain tribes and classes, girl child is killed during or soon after birth. Girl child is also often neglected and subjected to discrimination in matters of nutrition, health care, and education, and are often exposed and even abandoned.

2. Even after the amendment of Section 304 of the Indian Penal Code, to specifically provide for dowry death as a heinous crime, with a minimum period of rigorous imprisonment, rather unusual, as it is in criminal Jurisprudence, dowry related atrocities and deaths continue rather unabated.

3. The over-all impact of all this is evident, and is well reflected in the fast declining sex ratio which fell from 972 females per thousand males in 1901 to only 927 in 1991. The present sex ratio may well be just a little above 900 females per thousand males. There is thus a pressing need for urgent measures to effectively curb and correct the declining sex ratio, by providing sharper teeth to the relevant provisions of the I.P.C.

Hence this Bill.

VEENA VERMA.

V.S. RAMA DEVI,

Secretary-General.

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